

**AMENDMENT OF THE DRAWINGS**

Please replace all of the original drawings with the amended drawings filed herewith – sheets 1/2 and 2/2 (Figures 1 and 2A to 2C).

Previous sheet 3/3 (Figures 3(a) to 3(c)) has been cancelled.

### **REMARKS ON THE AMENDMENTS**

Claim 4 has been amended as suggested by the examiner.

The specification, abstract of the disclosure and drawings have been amended:

- to cancel the description and drawings of the second embodiment originally shown in Figures 3(a) to (c);
- to make consequential amendments to the remainder of the description and the abstract of the disclosure;
- to render the introduction of the description consistent with the claims that are currently pending in the application; and
- to make some other amendments suggested by the examiner and draftsman.

### **REMARKS ON THE OFFICE ACTION**

#### **Specification (abstract of the disclosure)**

The examiner has objected to two occurrences of the word *means* at line 4 in the abstract of the disclosure. Reference has been made to MPEP §608.01(b). Applicant respectfully points out that:

- This application is the national stage of a PCT application originating outside the US.
- Under PCT Article 27(1), *no national law shall require compliance with requirements relating to the form or contents of the international application different from or additional to those which are provided for in this Treaty and the Regulations.*
- 35 USC 372 draws a distinction between matters of substance, which are determined as in the case of a national application regularly filed in the USPTO, and matters of form and content, which can be re-examined in accordance with the requirements of the PCT and its regulations.

- The relevant requirements for the abstract are set out in PCT Article 3(3) and PCT Rule 8, neither of which makes any reference to use of the word *means*.

Applicant respectfully submits that the use of the word *means* is a matter of form or content. Applicant furthermore points out that this application with its original abstract has already been published both by the International Bureau in the International phase and by the US Patent and Trademark Office in the US national stage. Nevertheless, since the abstract of the disclosure has been amended to remove the reference to the second embodiment (the last sentence of the original abstract), it has also been amended as suggested by the examiner

#### Content of Specification (headings in the specification)

The examiner has objected that the specification does not includes the headings *Title of the Invention*, *Cross-References to Related Applications*, etc and has stated that headings must be inserted into the specification.

Further to the remarks under the heading “Specification (abstract of the disclosure)” above, the relevant requirements for the specification are set out in PCT Articles 3(2) and PCT Rule 5. Rules 5.1(c) states, *subject to the provisions of paragraph (b), each of the parts referred to in paragraph (a) shall preferably be preceded by an appropriate heading as suggested in the Administrative Instructions*.

Applicant respectfully submits that the use of headings is a matter of form or content, and that although headings are preferred in a PCT application, they are not mandatory. Nevertheless, since a substitute specification has been filed, headings have been inserted as suggested by the examiner.

#### Content of Specification (use of the word *joins*)

The examiner has objected that the word *joins* at page 1, lines 27 and 31, and page 2, line 28, is grammatically incorrect and has suggested amendment to *joints*. Applicant does not understand why this objection has been raised and submits that the word *joins* is grammatically correct. It is the plural of the noun *join*, as in *a join between one piece of fabric and another*. Applicant refers the examiner to, for example, <http://www.poly-fil.com/glossary.asp>, Glossary, *Join - (1) To stitch together. (2) A seamline*. The word *joints* would seem less appropriate. In case this objection may arise because the word *join* is little

used as a noun in this way in American-English, applicant respectfully submits that the requirement under 37 CFR 1.52(b)(1)(ii) is that the application must be in English. As stated in MPEP § 608.01, *there is no additional requirement that the English must be American English*. Applicant therefore requests reconsideration of this objection.

Content of Specification (reference numeral 20)

Objection has been raised that the reference numeral 20 at page 3, line 13, should be changed to 10. The passage containing this reference numeral has now been cancelled from the description.

Content of Specification (page 3, line 21)

It has been suggested that the panel 12 be qualified by the word *underside* at both occurrences at page 3, line 21. Applicant does not believe this is necessary, because the panel in question was already qualified by the reference numeral 12. Nevertheless, the passage in question has now been cancelled from the specification.

Content of Specification (page 3, line 26)

Applicant appreciates the examiner pointing out that figure number 2 should be changed to 3 at page 3, line 26. However, the passage in question has now been cancelled from the description.

Content of Specification (Title)

Objection has been raised that the title of the invention (*Duvet cover*) is not descriptive, and a new title has been required that is indicative of the invention to which the claims are directed. Applicant does not understand this objection. The claims are directed to a *duvet cover* and so the invention has been entitled *Duvet cover*. The term *duvet cover* is descriptive of what the invention is. Applicant has now learned that a more common term for a duvet cover in American-English is perhaps *comforter cover*. However, the term *duvet cover*, or variations of it, is used and understood in American-English, and has been used in the titles of issued US patents in the past, for example:

- US6971128 – *Size-convertible pillow case of duvet cover.*
- US6481585 – *Device for use in fitting a duvet cover.*
- US6243896 – *Adjustable warmth duvet cover insert.*
- US5208934 – *Cover for a pillow or duvet for a child's bed.*

Moreover, applicant again respectfully submits that the requirement under 37 CFR 1.52(b)(1)(ii) is that the application must be in English. As stated in MPEP § 608.01, *there is no additional requirement that the English must be American English*. Applicant therefore requests reconsideration of this objection.

#### Claim Objections

Objection has been raised to the claims being headed *Claims* and to the heading being centred in the middle of the page, and a requirement has been made to change the heading to *I claim:*, *The invention claimed is:*, or similar and to place the heading at the left-hand side of the page.

Further to the remarks under the heading “Specification (abstract of the disclosure)” above, the relevant requirements for the claims are set out in PCT Rules 6 and 11.

Applicant can find no requirement in the Treaty or Regulations as to the form or content of a heading for the claims. Applicant furthermore notes that this application as published by the US Patent and Trademark Office under publication number US 2005/0144721 A1 does not even include a heading for the claims. Applicant therefore requests reconsideration of this objection. Should the examiner decide to maintain the objection, then applicant requests that the examiner make an examiner’s amendment to change the claims heading to *I claim:* placed on the left-hand side of the page.

#### Claim Rejections – 35 USC § 112

Applicant does not understand the examiner’s two objections to previous claim 4 at lines 4 and 5. Nevertheless the examiner’s suggested amendments have been adopted.

#### Claim Rejections – 35 USC § 103 – Claim 4

Claim 4 has been rejected as being unpatentable over Anderson in view of Evanson.

Applicant has reviewed Anderson and notes that it discloses a cover 10 for a child’s rest mat

12. The cover comprises a rectangular top panel 14 (formed by two overlying panels 20,22), and a pair of lower panels 26,28 each of which extends generally under a respective half of the top panel 14. The edges of the top panel 14 are sewn to the lower panels 26,28. Across the centre of the cover 10, where the bottom panels 26,28 meet (and overlap each other slightly), the lower panels 26,28 are not sewn to each other, nor to the top panel 14, so that a slit-like opening 24 is formed across the centre of the cover 10. Each lower panel 26,28 therefore forms a respective pocket with the top panel 14. The mat 12 is inserted into the cover 10 by sliding one half of the mat 12 through the opening 24 into one of the pockets and then sliding the other half of the mat 12 through the opening 24 into the other pocket.

On pages 8 to 10 of the office action, the examiner has attempted to read claim 4 onto Anderson. The examiner suggests that Anderson shows *a generally rectangular top panel 20/22 and a generally rectangular bottom panel 16 of similar size*. Applicant respectfully submits that item 16 in Anderson is not a panel. Reference numeral 16 denotes *a lower section* (col. 2, line 52) comprising *a first rectangular half piece 26 and a second rectangular half-piece* (col. 3, lines 11 and 12). Anderson therefore fails to disclose a bottom panel of similar size to the a top panel.

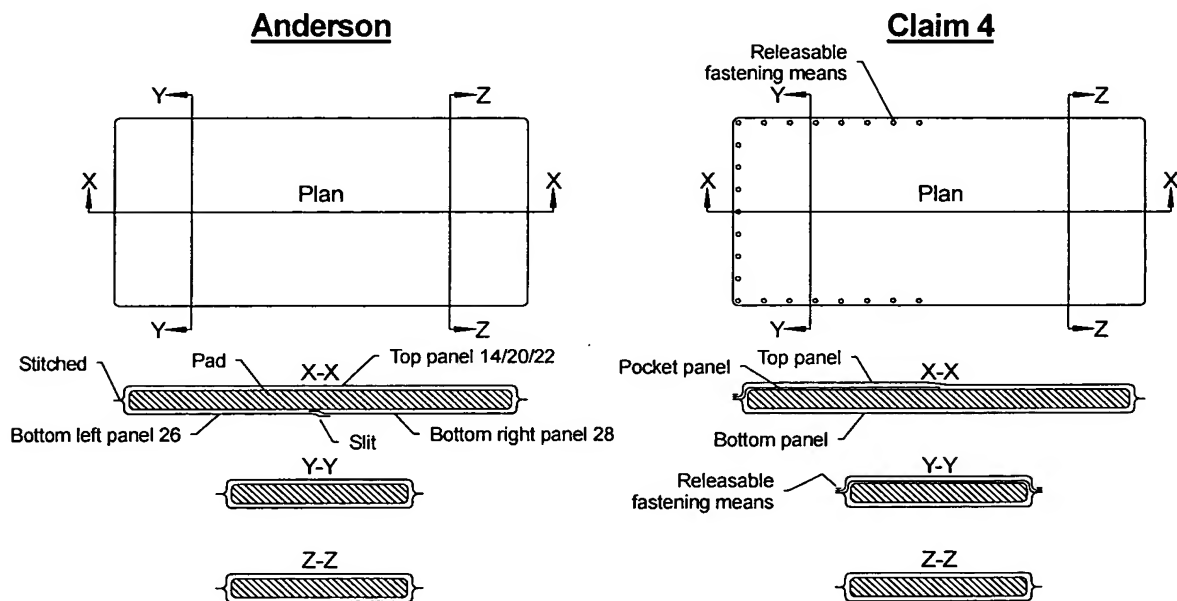
The examiner also suggests that Anderson shows *a pocket panel 26 covering the foot portion (left-side of 20/22, 16) of the bottom panel 16*. Applicant submits that the panel 26 of Anderson is part of the bottom layer 16 and that it is therefore a misconstruction to say that a particular thing covers itself. Alternatively, if panel 26 of Anderson is construed as being something different to the bottom panel of claim 4, then all that remains in Anderson for the bottom panel of claim 4 is the panel 28 of Anderson, and panel 28 of Anderson is not of a similar size to the top panel 14,20,24 of Anderson as required by claim 4 and discussed above.

The examiner furthermore suggests that Anderson shows *the foot edges (left-side of 26,16) of the pocket and bottom panels (26,16) are joined together*. Again, applicant submits that the panel 26 of Anderson is part of the bottom layer 16 and that it is therefore a misconstruction to say that a particular thing is joined to itself. Alternatively, if panel 26 of Anderson is construed as being something different to the bottom panel of claim 4, then all that remains in Anderson for the bottom panel of claim 4 is the panel 28 of Anderson, and panel 28 of

Anderson is not joined by its foot, left and right edges to the foot, left and right edges of the panel 26 of Anderson as required by claim 4.

The examiner makes reference to *fastening means* (see col. 2, lines 52-54 ... the top and bottom panels (20/22, 16). As noted by the examiner, Anderson discloses stitching (as a form fastening means) along the peripheral edge of the cover 10. The examiner has suggested that, with the fastening means not in place, particular actions can be taken with the cover 10 and mat 12. Applicant submits, however, that with the stitching not in place, the elements described in Anderson would not constitute a mat cover, because the stitching is the only means by which the various panels are held together.

The differences between Anderson and the invention as claimed in claim 4 are apparent from the following drawings.



In summary, if the panel 28 of Anderson is taken to be the bottom panel of claim 4, then:

- the bottom panel 28 of Anderson is not of similar size (as claimed) to the top panel 14/20/22.
- Anderson discloses a pocket panel 26, but its length is not substantially less than the length of the bottom panel 28, and its foot, left and right edges are not joined to the foot, left and right edges of the bottom panel 28.
- Anderson fails to disclose the releasable fastening means of claim 4.
- Anderson fails to disclose the functionality of claim 4 following the word *whereby*.

On the other hand, if, contrary to applicant's assertions, the panels 26,28 are together taken to be the bottom panel of claim 4, then:

- Anderson fails to disclose the pocket panel of claim 4.
- Anderson fails to disclose the releasable fastening means of claim 4.
- Anderson fails to disclose the functionality of claim 4 following the word *whereby*.

The examiner acknowledges that Anderson does not disclose all of the claimed features of the fastening means of claim 4, but has cited Evanson in an attempt to show those features are known per se and to show that it would be obvious to modify the cover of Anderson to have the fastening means of Evanson. However, starting from Anderson, in order to arrive at the invention of claim 4, it would be necessary to extend one of the bottom panels 26,28 to the whole length of the cover 10 in addition to providing the fastening means. There is no suggestion in Evanson as to why the skilled person would want to extend one of the bottom panels 26,28 of Anderson in this way. Furthermore, the examiner has suggested that the reason the skilled person would consider modifying Anderson in view of Evanson would be *in order to be able to remove the duvet cover (of Anderson) from the duvet for washing the duvet cover*. Applicant respectfully submits that, without any modification, the mat 12 of Anderson is already removable from the cover 10 of Anderson, through the slit-like opening 24, and so there is no reason at all why the skilled person would consider making any such modification. Furthermore, Anderson already discloses releasable fastening means for the slit-like opening 24 (col. 3, lines 20 to 22). Applicant submits that the skilled person would not consider adding any further fastening means to Anderson, because there is nothing else in Anderson that needs to be fastened.

In summary, applicant submits that: Anderson is deficient in a number of respects in showing the features of claim 4; there is no reason why the skilled person would turn to Evanson for those missing features; and even if the skilled person did, they would fail to find them in Evanson. Accordingly, applicant submits that the invention of claim 4 is not obvious from Anderson in view of Evanson.

#### Claim Rejections – 35 USC § 103 – Claim 5 and 6

Claims 5 and 6 have been rejected as unpatentable over Anderson in view of Evanson and Trimble. Applicant submits that Trimble fails to disclose or suggest the novel features of



claim 4 discussed above, and that, in view of their dependency on claim 4, claims 5 and 6 are also patentable having regard to the cited prior art. Furthermore, the unjoined edges of the mid portions of the top and bottom panels are provided in the invention of claim 5 to facilitate insertion of the duvet, and the flaps of claim 6 are provided to cover the otherwise-exposed edges of the duvet. By contrast, in Trimble the flaps 50,52 are provided in order to secure the sheet 10 to the mattress 20. Accordingly, applicant submits that the invention of claims 5 and 6 is not obvious from Anderson in view of Evanson and Trimble.

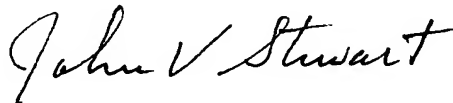
Objection by the draftsman under 37CFR1.84(p)

The drawings filed herewith have been redrawn and include reference numerals that are plain, legible and at least 3.2 mm in height.

Summary

Applicant believes that she has answered all of the matters raised in the second office action and, for the reasons set out above, believes that this application should now be in order for allowance.

Respectfully,



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